REMARKS

1.   Summary of the Office Action

In the final office action mailed on August 6, 2008, the Examiner rejected claims 10 and 14 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,788,696 (Allan) in view of U.S. Patent Pub. No. 2006/0056298 (Nag). The Examiner rejected claims 11-13 and 15-18 as being unpatentable over Allan in view of Nag and further in view of U.S. Patent No. 7,170,905 (Baum).

2.   Status of the Claims

In this response, claims 10-18 are pending, of which claims 10 and 14 are independent and the remainder are dependent. Claims 10, 12, 13, 14, and 16 have been amended in this response.

3.   Response to § 103 Rejection of Claims 10-18

The Examiner rejected claims 10-18 under 35 U.S.C. § 103(a) as being unpatentable over Allan in view of Nag. Applicant responds that the cited art does not make claims 10-18 obvious, and thus claims 10-18 are allowable.

Amended claim 10 recites, *inter alia*, "multiplexing the first and the second flows into a same flow, wherein the multiplexed same flow comprises multimedia control signals, wherein the multiplexed same flow comprises multimedia control signals distinct from the messages reserving network resources."

Support for these amendments to claim 10 can be found generally throughout the specification and specifically on at least page 9, lines 6-19 and page 10, lines 7-13 of the specification. As such, no new matter is introduced.

Allan discloses techniques for providing transparent Quality of Service (QoS) and reducing bandwidth usage in an ATM network that uses VC-merging and delivery of content via an access network. Allan, Abstract. Allan describes that Customer Premise Equipment (CPEs) can request unicast or multicast data or other content that requires QoS. Allan, col. 6, lines 33-37. The requested content can be broadcast over a Virtual Channel Connection (VCC) from a service gateway to an access module serving several

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CPEs and then to the CPE. Allan, col. 5, lines 25-57 and Figure 1. To reduce network congestion, the requested content may be sent to the access module, replicated at the access module for each requesting CPE, and then"VC-merged" into a virtual channel link (VCL) set up for each CPE. Allan, col. 5, lines 58-65. A subscriber associated with a CPE can request streaming video, WebTV, or staggercast data requiring QOS from a service provider. Allan, col. 6, lines 33-38. Allan describes the use of the VC-merge as "[w]hen a plurality of CPEs 22a-22c request the same information, specifically multicast or broadcast service, the access node is directed via ATM signaling modified as per this invention to replicate the content producing a copy for each CPE and then performing a unique VC-merge per CPE at the access module 12, merging the requested information into a provisioned final Virtual Channel Link...." Allan, col. 5, lines 58-64. The service gateway may examine the request "by performing packet-snooping" to ensure the content is delivered using transparent QoS delivery. Allan, col. 6, lines 42-56. Allan also describes sending join messages to permit the CPE to add connections to already existing connections. Allan, col. 7, lines 1-14.

Nag describes multiplexing application flows by apportioning bandwidth between network devices associated with sets of terminals. Nag, Abstract. In discussing related art, Nag describes that the Resource Reservation Protocol (RSVP) is an Internet Protocol (IP)-based protocols that allows applications to communicate requirements on a per-flow basis (*e.g.,* QoS requirements) through the network. Nag, ¶ 0007. Nag also describes use of established "RSVP pipes" for processing RSVP between media aggregation managers for accommodating several expected voice calls. Nag, ¶ 0087.

However, neither Allan nor Nag disclose or suggest (a) multiplexing flows containing multimedia control signals, or (b) flows that are transmitted at least in part on a connectionless network, much less "multiplexing the first and the second flows into a same flow, wherein the multiplexed same flow is transmitted at least in part via the connectionless network and comprises multimedia control signals distinct from the messages reserving network resources" as recited in claim 10.

Therefore, Applicant submits that claim 10 is allowable over the cited art and therefore respectfully request the Examiner withdraw the rejection of claim 10 under 35 U.S.C. § 103(a). Further, as Applicant has amended claim 14 using similar language to

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claim 10, Applicant submits claim 14 is allowable and requests the Examiner withdraw the rejection of claim 14 under 35 U.S.C. § 103(a) for at least the reasons provided above for claim 10. In addition, Applicant submits that dependent claims 11-13 and 15-18 are allowable for at least the reason that these claims depend from allowable claims 10 and 14, respectively.

For at least the foregoing reasons, Applicant submits that the application is in good and proper form for allowance and respectfully requests the Examiner to pass this application to issue. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of this application, the Examiner is invited to call the undersigned attorney, at 312-913-3338.

Respectfully submitted,

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